

MONTANA LEGISLATIVE HISTORY

Chapter 216 19 61

Bill H _____ S 112 Original bill & history C

H. Committee on Business and Industry

Hearing Date(s) Feb 21 ✓ C

_____ C

_____ C

_____ C

Date Out Feb 21 ✓ C

S. Committee on Commerce and Labor

Hearing Date(s) Jan 31 ✓ C

Feb 03 ✓ C

_____ C

_____ C

Feb 03 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

January 31, 1961

The Senate Committee on Commerce and Labor held a public hearing Tuesday evening, January 31, 1961, at 7:00 p.m. in the house chambers. All members of the committee were present except Senator Newman. Senator George Siderius, chairman presided.

The chairman announced that the purpose of the hearing was to discuss Senate Bill 112. He announced the rules: the proponents would have 20 minutes, the opponents 30 minutes, and the proponents another 10 minutes for rebuttal. There would be no applause and no heckling allowed. Each side was asked to confine its remarks to the contents of the bill. Each side would be allowed as many witnesses as they wished during the time allotted. Mr. George Howard was the official timekeeper.

The following persons then appeared as proponents of Senate Bill 112:

Mr. William M. Kirkpatrick, western general counsel of the Anaconda Company, representing the Anaconda Company

Senator John L. McKeon from Deer Lodge County, one of the sponsors of the bill

Mr. John W. Bonner, former Governor of the State of Montana

Mr. Carl Davis, from Dillon, County Attorney of Beaverhead County, representing several small mining companies, including Minerals Engineering Company, Tri State Minerals Company, and J. R. Simplot Co.

The proponents' time ran out, but they requested permission of the chairman to file a statement by John Bley, from Nye, Montana, president of the Montana Mining Association. Permission was granted.

The following persons appeared as opponents of the bill:

Mr. James Shea, Mayor of Walkerville

Mr. A. G. Shone, Mayor of Meaderville

Mr. Kirkpatrick then gave the rebuttal for the proponents.

Questions were asked by two of the committee members, and the hearing was declared closed at 8:10 p.m.


George Siderius, Chairman

1-30-61

Mr. Chairman and Members of the Committee:

My name is John Bley, Vice President and General Manager of the American Chrome Company, Stillwater County, and President of the Mining Association of Montana. Today I am speaking for the Mining Association of Montana and deeply appreciate the opportunity of appearing before your committee.

As you know, the mining industry in our State as well as throughout the Nation, is undergoing considerable decline. This has been brought about mainly through increased costs, decreased prices for the metals, depletion of our high grade ore reserves, foreign imports of minerals and metals produced by low cost labor, and high taxes. An urgent plea has been made for several years for action to preserve the domestic mineral industry against collapse, but this has been only a "voice in the wilderness" and, as you know, not much has been done to alleviate the situation; in fact, the condition continues to deteriorate. These factors have all combined to discourage the prospector to look for mineral outcrops and potential mineral areas. As a result of this, our State is losing prominence as a mining state. Not only are we losing jobs for our native Montanans, but also we are losing the vitally needed tax revenue. It seems to us that every effort should be made to encourage an industry that is now hobbled with restrictive legislation which has taken the initiative out of mining. An atmosphere should be provided that will encourage greater emphasis on exploration, development and production and continued growth of the State's mining industry.

I will not bore you with any statistics, but I do believe that the following is worthy of note:

In 1950 our Association had 217 dues paying members.

In 1960 this dropped to 79.

During the same period the average number of wage earners in the mining industry dropped from 9,483 to 6,641.

This points out very dramatically what has happened to our mining industry in the State of Montana.

The Mining Association of Montana recommends strongly that Senate Bill 112 be passed by the Legislature. As you know, the bill simply would extend the present law to cover situations where the owner of the mineral would obtain surface rights for open pit mining purposes. This bill also would provide the proper protection and recourse for the land owner. As you know, mining firms under the present law have powers to obtain land for dumps, disposal of tailings, tunnel sites, flumes, roads and for other purposes. This law has been on the books since 1877, at which time open pit mining was unknown. Today open pit mining is an extremely important method of extracting ore, as it is the only economical way that many low grade ores can be mined. It does appear to our Mining Association that this is not an unreasonable request since former Legislatures saw reason for passing the original law. All we're asking today is that the law allow modern methods of mining.

RE: SENATE BILLS 112 and 181

To: Senate Labor and Commerce Committee, The Honorable George O. Siderius, Chairman and The Honorable Members thereof.

We, the undersigned proponents of Senate Bill number 112, do respectfully advise that in our judgment the enactment of this measure would be most beneficial to the people, industry and economy of the State of Montana and urge that your committee recommend that Senate Bill number 112 do pass. We also ask that you recommend that Senate Bill number 181 do not pass.

Name	Address	City
W. A. Conway	1801 W Park	Anaconda
E. P. Dymond	2001 Tammey	Anaconda
Dan F. Griffin	601 S Washington	Butte
Mrs. D. F. Griffin	601 S. Washington	Butte
Mrs. Sam Wigal	2615 Edwards	Butte
Sam Wigal	2615 Edwards	Butte
Ray J. Wener	27 Smelter Ave	Great Falls
R. L. Thompson	816 Flowerer	Helena
L. J. Ingvalson	#120 S. 1st St	Great Falls
William Lucy	909 W 4th St	Anaconda
James L. Durrings	2210 2nd Ave. No.	Gr. Falls,
Joseph M. Langenfu	301 W. Ridge	East Helena

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<u>Name</u>	<u>Address</u>	<u>City</u>
George H. Lilly	555 N Granite St	Butte
Grant E. Ralph	1020 Placer St.	Butte
R. D. Piper	2940 Edwards	Butte
John H. McDonald	2705 North St.	Butte
F. H. McDonald	1220 W. Alameda	Butte
J. A. Lewis	995 15th	Butte
John H. Lewis	305 W Park	Butte
Ed. F. J. Jellee	1158 6th Diamond	Butte
Ed. Reeder	230 Meyer Bldg	Butte
W. A. J. J. J. J. J.	640 So. Montana	Butte
John W. Warren	413 N. Washington St	Butte Montana
Frank J. Laird Jr.	1005-16th St.	Butte
J. W. Hurlbut	218 S. Crystal	
John R. Moore	1803 Terryway	Anaconda Montana
J. F. Douglas	412 W 5th	" "
Robert D. Vine	1917 Ogden -	" "

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also ask that you recommend that Senate Bill number 181 do
not pass.

<u>Name</u>	<u>Address</u>	<u>City</u>
Robert J. Corbett	2032 Calif.	Butte, Mont.
Mrs Edward P. Shea	3150 Meade	" "
Mrs. Martin Hannigan	2614 Elm. Warren	" "
Mrs. Floyd Bossard	2901 Edwards	" "
Floyd C. Bossard	" "	" "
Joseph E. Merwin	1006 11th Ave	Helena, Montana
Mrs Robert A. Corbett	2032 Calif.	Butte.
Martin K. Hannigan	2614 Elm Warren	Butte
J. E. Burnett	801 St. Marys Ave	Great Falls.
Frank H. Day	218 W. 7th ave	Anaconda.

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not pass.

<u>Name</u>	<u>Address</u>	<u>City</u>
<i>John Murphy</i>	2800 Sanson St.	Butte
<i>J. J. McCarthy</i>	1256 Halum	"
<i>W. J. Fogarty</i>	1020 W. 13th	"
<i>Mrs. John R. Burgen</i>	713 Florence	Helena
<i>P. E. Stinson</i>	1057 W. Diamond	Butte
<i>L. M. Anderson</i>	1325 W. Platinum	Butte
<i>E. D. Thomas</i>	132 E. Center St.	Butte
<i>Ernest F. Shea</i>	3150 Meade	Butte
<i>John Killoy</i>	1408 Dewey	Butte
<i>W. A. Bruen</i>	1043 N. Perky	Butte
<i>George W. Parker</i>	815-12th Street	Butte
<i>Andi Jordan</i>	822 West Gale St.	Butte Mont.
<i>David Lockhart</i>	#2 Smelter Hill	Great Falls

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also ask that you recommend that Senate Bill number 181 do
not pass.

Name

Pres. Address

City

J. H. Kopp	Chambers	Anaconda
Charles C. Goodland	Commerce	Butte
Mr. & Mrs. J. C. Humphreys	1114 W. Platinum St	Butte
	1046 W. Diamond	Butte
John P. Bley	Nye, Montana	Butte
Edward Benson	1215 W. Copper	Anaconda
W. D. Martin	709 Harding	Anaconda
C. M. Holstrom	510 Main	Anaconda
J. H. McCrea	708 Main	Anaconda, Mont
E. B. Kane	1705 Broadway	Helena



Anaconda Blames Walkerville for Need To Close Alice Pit, Shea Denies Claim

BUTTE—Operations at the Alice Pit in North Walkerville will be suspended beginning Saturday, officials of the Anaconda Co. announced. The shutdown is necessary, they said, because the company has been prevented from obtaining land needed to safely continue the project.

Anaconda said the shutdown has been brought about because the city of Walkerville has refused to vacate portions of certain streets and alleys which were dedicated to public land use and located on

property now owned by the Anaconda Co.

However, Walkerville officials issued an eight-point statement noting the petition presented by the Anaconda Co. was unacceptable in its present form.

Walkerville Mayor James R. Shea said Walkerville officials do not wish the pit to close but "would like Anaconda to recognize our ordinances and our rights."

"We are willing to arbitrate this question but we will not abdicate the authority given to us by the Montana Constitution and the statutes," Shea said.

Unacceptable portions of the Anaconda petition as outlined by Shea were:

The Anaconda Co. does not state in writing exactly where the rim of the pit will extend; it does not state how close in proximity they will come to existing residences; it does not state whether large unsightly mine dumps will be deposited next to homes.

Anaconda said it decided last October that the Alice Pit located between North Walkerville and Walkerville could be operated on sulphide zinc ore, adding to the zinc output of Butte and providing employment for men in Butte and in Anaconda.

Waste removal was started Oct. 11 and immediately afterwards Walkerville officials were informed of the company's plans, Anaconda officials said.

Shea said Walkerville was not notified of the company's intentions until an attempt was made by Anaconda to take from use roads in use by the public for over 50 years. City officials had to demand these roads be left open for the use of the general public, Shea said.

Shea said Anaconda has "blocked two of the three approaches to the Walkerville ball grounds with large dumps and has not stated whether they will correct this condition. He also pointed out Sibyl street and Williams have been badly damaged by heavy blasting, with 50 feet of Sibyl alley dug up completely without proper process of law."

Shea said "where the alley should be is now in the pit about 100 feet or more below surface."

Shea declared "as mayor I had to call the company numerous times to take safety precaution on the north rim of the pit. This is an extremely hazardous condition. We have had hundreds of calls from our constituents regarding damages from heavy blasting. In spite of all these reasons, the city did not obtain a court injunction to stop this work. The pit was started by the company and if it is their decision to stop the work before all these factors can be resolved, it will be entirely in their hands."

Nearly 150 Anaconda and Butte residents will be idled.

The shutdown affects 83 men in Butte who have been employed in connection with the Alice Pit operations. The company said in

44 men on the zinc concentrator and tipples at the smelter in Anaconda will be laid off.

Chester H. Steele, vice president in charge of Anaconda's western operations, said:

"The company deeply regrets closing the Alice Pit but under the circumstances there is nothing else to do."

Hazelton Funeral
Funeral services for Hazelton, 88, resident home 2113 2nd Ave. S. Saturday, will be at Mortuary Saturday at 11. Rev. Vernon Hanks will conduct burial which will be in cemetery. There is no in Great Falls.

Crane Furn
Coal • Oil •
• Guaranteed Install
Edwin John
Plumbing, Heating, G.

F. Flaherty President of Camera Club

Frank Flaherty was elected president of the Great Falls Camera Club at a meeting in the YWCA Thursday night. Flaherty will succeed Ted Prater as president at the club's annual dinner meeting March 12th at Borrie's Place in Elk Eagle.

Elvis Cabalan was elected vice president, Bill Reid, treasurer, and Fran Rudd, secretary.

Carlton Lingwall, Dr. Lester Howard and Prater were elected to the board of directors.

Winners of the club's contests for slide of the year and print of the year will be announced at the annual meeting.

Hitchhiker Looks at Tires, Left Stranded

Harlan L. Crawford told police Thursday night about being stranded and his belongings taken by persons with whom he had hitched a ride to Carter.

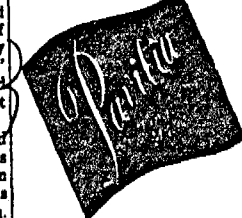
Described as "lost" by employees of Monty's Cafe, 1000 River Rd., who called police, Crawford said he met the people in a Great Falls bar and they offered to take him to Carter. When they got out on Highway 87 north of here they asked him to get out and look at the

He said they drove away then with his belongings which apparently consisted of some leather goods he made. Police took Crawford to the Cottage Inn, 625 1st Ave. N.

Chest Board Tuesday

Community Chest Board directors will meet Tuesday night at 8 in the chest office at the Civic Center. L. J. Ingvalson and Capt. Donald Thompson will be seated as new board members, and a replacement on the board for Joe Callahan, who has left Great Falls, will be considered. Reports are scheduled. Dean Dundas has ac-

smooth! smooth! glide along in
the gondole!



- Alabaster with Black
- Black with Alabaster
- Red with Alabaster

4 1/2 to 11, AAAA

\$12.95

10 1/2 and 11 ... \$12.95

You'll flip, just flip, over these Italian-inspired flats that are real cool, ready for whatever comes, waiting to carry you off at a moment's notice to some new fun spot.

shoes for men, women and children
Carlson

Exhibit

STATEMENT BY MEADERVILLE
OPPONENTS IN OPPOSITION TO PROPOSED SENATE BILL NO. 112

Section 15 of Proposed Senate Bill No. 112 should be amended to read, as follows:

"15. To open-pit mine and extract ores, metals or minerals owned by plaintiff and located beneath, upon or near the surface of property owned by others; provided, however, that prior to the commencement of condemnation proceedings the plaintiff shall file in the office of the County Clerk and Recorder and in the office of the Clerk of the Court of the county wherein the property is situated, a plat which shall specifically designate the intended maximum exterior boundaries of said proposed open-pit and 1,000 feet beyond said proposed maximum exterior boundaries. Plaintiffs right of eminent domain shall be exhausted by the single exercise of the proposed taking as shown by the plat so filed in the county offices herein mentioned.

Section 93-9909, Revised Codes of Montana 1947, should be amended in reference to the summons issued by the clerk to contain the names of the parties, a description of the lands proposed to be taken, a statement of the public use for which it is sought, and a notice to the defendants owning property within 1,000 feet of the maximum exterior boundaries of said proposed open-pit, to appear as required by our present statute.

If plaintiff is given the right, by statute, to condemn piecemeal the property in the area of the proposed open-pit by the time the plaintiff works the area where there are no other surface owners, the damage to the surrounding properties owned by others would so depreciate in value that by the time proceedings were commenced to condemn their property the same would be valueless at the date of the summons. This statement is made in view of the provisions of Section 93-9913 Revised Codes of Montana which is as follows:

"93-9913. (9945) The date with respect to which compensation shall be assessed, and the measure thereof. For the purpose of assessing compensation and damages, the right thereto shall be deemed to have accrued at the date of the summons, and its actual value at that date shall be the measure of compensation of all property to be actually taken, and the basis of damages to property not actually

taken, but injuriously affected. If an order be made letting the plaintiff into possession, as provided in Section 93-9920, the compensation and damages awarded shall draw lawful interest from the date of such order. No improvements put upon the property, subsequent to the date of the service of summons, shall be included in the assessment of compensation or damages.

Angelo Petroni
Daniel J. Scapone
Michael Muffish
Chas. F. Brown
Angelo Maffei

Exhibit
LOCATED ONE-HALF MILE NORTH OF BUTTE "IN THE HEART OF THE MINING AREA"

CITY OF WALKERVILLE

OFFICE OF
MAYOR AND CITY CLERK



WALKERVILLE, MONTANA

January 31, 1961

STATEMENT OF THE CITY OF WALKERVILLE

Pertaining to the extension of Eminent Domain under Senate Bill 112.

The City of Walkerville is opposed to the extension of Eminent Domain to mining companies unless extensive public safeguards are established for the benefit of the public.

The City of Walkerville is not opposed to Eminent Domain for mining purposes, if, and most important of all, the public is protected and has certain reciprocal rights.

The word Eminent means "Exalted in rank; a station above men in general".

The word Domain is defined as, "The territory over which Dominion is exercised. The territory ruled over a Dominion".

The powers of Domain are founded and rest in the people. Government belongs to the people. The people of Walkerville are against this bill unless restraint and reciprocal benefits are bestowed on the people.

The pursuit of wealth should not interfere with the pursuit and keeping of family happiness.

We are opposed to giving more power to the Anaconda Company who had this bill introduced when they have already usurped their powers.

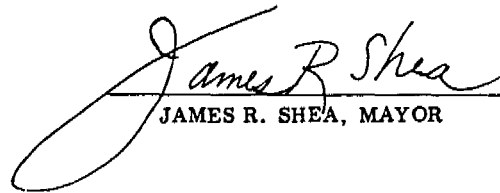
Nowhere in the Annals of City History in America will you find where the sacred rights of the people have been trodden upon as they have in Walkerville.

The city officials of Walkerville from sad and heart-rendering experience would like to offer suggestions to this legislative body.

1. A new code of Mining Law governing open-pit mining. Health and safety precautions should be provided for the public.
2. A pit should not be closer than 1000 feet to any home.
3. Adequate fencing should be necessary at all times.
4. Pits should not be permitted to come closer than 50 feet to any road dedicated or otherwise used by the public. This should apply to state, county and city roads.
5. If eminent domain is ever granted, it should be done only after a very careful analysis by the legislative body. A special charter defining the mineral area should be filed with the Board of County Commissioners or the City or Town Council.
6. All homes in the mineral area would have to be purchased at the time of the granting of the charter. In addition, all homes within 1000 feet of the pit would have to be purchased.
7. Unless full public protection is given, mining companies could cause untold suffering amongst the home owners by spot-buying property. If they didn't want to buy one's property, they could mine all around the property thereby causing great suffering of mind and body and depreciation of property by leaving some home owners on the precipice of the pit.
8. Heavy penalties should be provided for violations of the codes or laws which the legislature prescribes for public benefits and protection.

9. This is a social and economic problem as well as a problem of justice. The city would respectfully ask that the Senate and the House personally make an investigation of the respective sites of these matters so that an equitable solution be provided for mining companies, the individual and the public.
10. This Bill covers a very large and comprehensive extension. We do not purport that these points above are inclusive, but we believe they are very significant to good legislation.

CITY OF WALKERVILLE


JAMES R. SHEA, MAYOR

ABANDONMENT OF MEADERVILLE ROAD
WILL PERMIT GRADUAL EXPANSION OF BERKELEY PIT

Some time ago The Anaconda Company petitioned the Silver Bow County Commissioners to abandon the road which connects Meaderville and the Butte-Heleena highway. The Company has offered to construct a new highway further east to replace the abandoned Meaderville road. While no decision has been announced yet, the time has now come when action must be taken one way or the other.

The Anaconda Company has prepared this pamphlet and is distributing it to householders in the McQueen, East Butte and Meaderville areas to explain the situation.

If the request to abandon the road is granted, it will permit a gradual expansion of the pit over a period of 25 years or more. The eastern edge of the pit would not reach the vicinity of Hayes street in the McQueen Addition until at least 1985. This, of course, would be the most desirable procedure, both from a mining standpoint and for the residents of nearby areas.

Actually, the gradual eastern expansion of the pit may take longer than the planned 25 years. If work now being carried on to develop ore reserves for a deep Berkeley Pit is successful, then the advancement of the eastern perimeter of the pit will be at a much slower pace. Much of the overburden in the area east of Silver Bow Creek is sandy, "wash" material that will require a minimum of blasting.

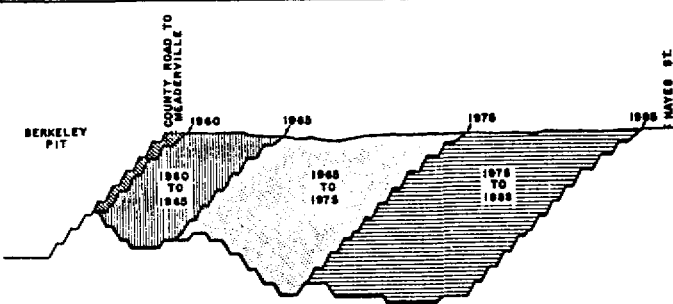
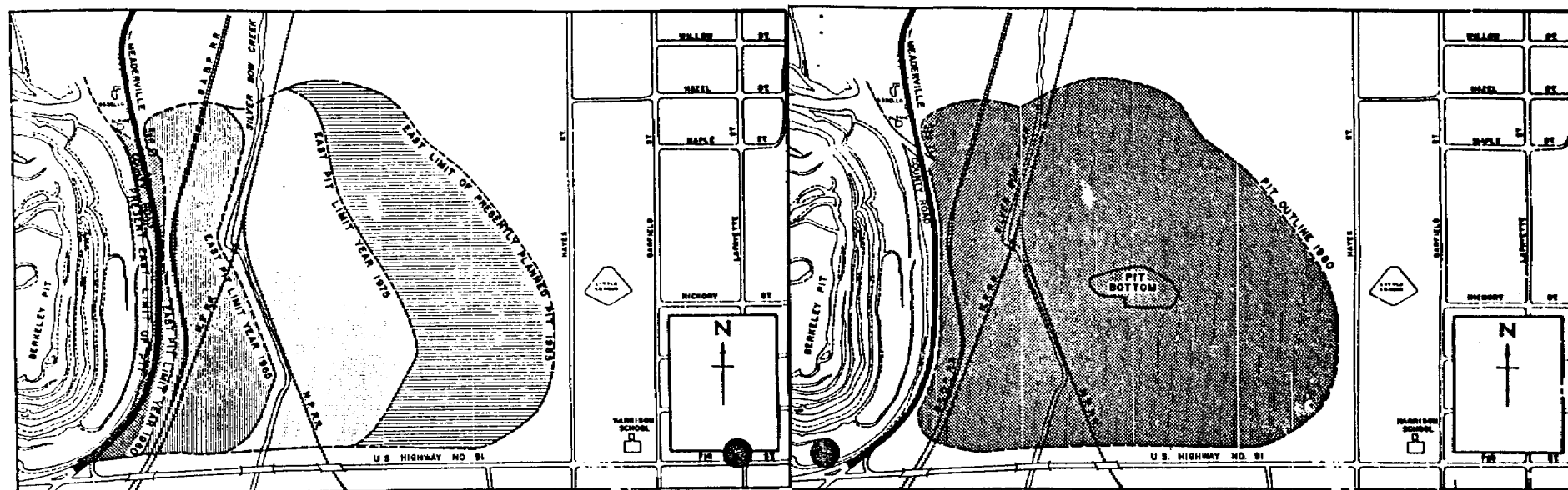
If the request is not approved, the Company's only alternative is to start a second pit on Company property east of the road. One of the disadvantages of this is that excavation would start on the whole area and the eastern perimeter of the new pit would come close to Hayes Street within a matter of months. The Meaderville road would be flanked on each side by open pits. If it can be avoided, the Company does not wish to take this alternative course as it is not the best mining method, nor is it desirable to the residents of these districts.

WHY IS IT NECESSARY?

Mining is important to our community, and open pit mining has become a vital part of the overall operation. For some time the Company has known that it must start mining the low grade ores east of the Meaderville road so that this marginal material may be mixed and treated with higher grade ore. The Company can not delay the start of this project any longer.

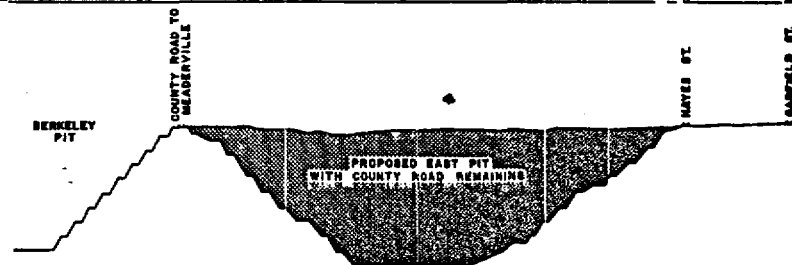
To obtain the maximum recovery of copper from our Butte ore deposits, the high-grade, low-grade and marginal ores must be mixed for the most efficient treatment. The deposits in the area east of the Meaderville road are of a lower grade than the average ore in the present pit. Also, there has been less oxidation in these deposits as there are fewer old mine workings in the area east of the road. These cleaner sulphide ores are needed to offset the "souring" effect of oxidized ore taken from the western side of the Berkeley Pit near old mine workings.

(Continued on back page)



CROSS SECTION LOOKING NORTH

HOW PIT WOULD GROW IF ROAD IS ABANDONED--The Berkeley Pit would expand eastward in gradual stages over a 25-year period if the present Meaderville Road is abandoned. These drawings show how the expansion would progress.



CROSS SECTION LOOKING NORTH

SECOND PIT WOULD ENTAIL WIDE EXCAVATION--If the Meaderville road is not abandoned, the Anaconda Company will have to start a second pit on its property east of the road. The drawings show how the entire area would be excavated. Boundaries of the second pit would extend this year into areas that the Berkeley Pit would not reach for 25 years.

It is necessary that the deposits east of the road be mined and treated along with the present Berkeley Pit ore, and it is essential that this mining be started now. The low value of the ore in the eastern area would not justify the cost of excavation as a separate project at some later date. Without the eastern expansion, the open pit mining program would be cut short by many years with damaging effect to the economy of our community. None of us would want to see that happen.

HOW THE PIT WOULD EXPAND

If the road is abandoned, work would start at once, at Company expense, on the new county road to connect Meaderville with the Butte-Helena highway. According to present plans, the pit would be extended only slightly beyond the present Meaderville road this year. In five years, or some time in 1965, the eastern edge of the pit would still be west of Silver Bow creek.

The next 10 years, up to 1975, would see the extension of the pit across Silver Bow creek and eastward across the Northern Pacific tracks. The creek is to be rechanneled around the pit and the tracks abandoned. The following 10-year period would bring the final extension of the pit with the eastern edge reaching a point slightly west of Hayes Street by 1985.

Two sets of drawings are reproduced in this pamphlet. One set shows how the pit would expand gradually if the road is abandoned. The other illustrates how excavation would start on the entire area this year if it becomes necessary to begin a second pit.

The Company wishes to carry on this operation with a minimum of inconvenience to residents of McQueen, East Butte and Meaderville. The logical and best way is to abandon the present road.

THE ANACONDA COMPANY

I formerly owned property in the vicinity of the Alice Pit in the Town of North Walkerville, Montana, which was sold to The Anaconda Company. During the negotiations for the sale of such property I was treated fairly and courteously at all times and the settlement I received for my home from the Company was in all respects fair and reasonable.

I believe that the economic life of Butte depends upon mining and that the mining industry must be encouraged to expand; accordingly, I favor Senate Bill 112 which has been introduced in the Legislature.

Mrs. Mary L. Stevenson

115 Missoula Ave.
Butte, Montana
Address

January 20, 1961

I formerly owned property in the vicinity of the Alice Pit in the Town of North Walkerville, Montana, which was sold to The Anaconda Company. During the negotiations for the sale of such property I was treated fairly and courteously at all times and the settlement I received for my home from the Company was in all respects fair and reasonable.

Wm. Kuhn

Date:

Jan 30, 1961

409 S. B. Thomas

Bull

Address

We formerly owned property in the vicinity of the Alice Pit in the Town of North Walkerville, Montana, which was sold to The Anaconda Company. During the negotiations for the sale of such property we were treated fairly and courteously at all times and the settlement we received for our home from the Company was in all respects fair and reasonable.

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Harold Pines

Leo T. Turner

705 8th
Butte, Montana
Address

Jan 25 1961

Butte, Montana
January 30, 1961

Honorable Frank Reardon
Senator, Silver Bow County
State Capitol
Helena, Montana

Dear Senator Reardon:

Senate Bill 112 extending the Eminent Domain laws to permit the owner of minerals to condemn the surface of property to the extent necessary to extract his minerals is essential to the continuation of the mining industry and the furtherance of the economic welfare of our community and state.

The public welfare should be placed before individual grievances, and this bill provides machinery to protect the mining operator and the surface owner.

Yours very truly,

A handwritten signature in cursive script that reads "Teddy Traparish". The signature is fluid and stylized, with the first letters of the first and last names being capitalized and prominent.

Teddy Traparish

I formerly owned property in the vicinity of the Alice Pit in the Town of North Walkerville, Montana, which was sold to The Anaconda Company. During the negotiations for the sale of such property I was treated fairly and courteously at all times and the settlement I received for my home from the Company was in all respects fair and reasonable.

I believe that the economic life of Butte depends upon mining and that the mining industry must be encouraged to expand; accordingly, I ~~favor Senate Bill 112 which has been introduced in the Legislature.~~ *I don't take take any position on this bill.*

Mrs. Stella Peterson

Jan. 27, 1961.

735 Missoula Ave.

Butte, Mont.
Address

We formerly owned property in the vicinity of the Alice Pit in the Town of North Walkerville, Montana, which was sold to The Anaconda Company. During the negotiations for the sale of such property we were treated fairly and courteously at all times and the settlement we received for our home from the Company was in all respects fair and reasonable.

Francis Hyatt

Rita Hyatt

3102 Papson

Butte Montana

Address

1-29-61

Date

I formerly owned property in the vicinity of the Alice Pit in the Town of North Walkerville, Montana, which was sold to The Anaconda Company. During the negotiations for the sale of such property I was treated fairly and courteously at all times and the settlement I received for my home from the Company was in all respects fair and reasonable.

Gilmore Vincent

Date:

January 29, 1961

3204 Hannibal

Butte, Montana

Address

We formerly owned property in the vicinity of the Alice Pit in the Town of North Walkerville, Montana, which was sold to The Anaconda Company. During the negotiations for the sale of such property we were treated fairly and courteously at all times and the settlement we received for our home from the Company was in all respects fair and reasonable.

Mr. William Evans

Mrs. William Evans

3829 Bayard St

Butte, Montana

Address

January 29, 1921

Date

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Stanley Richards
Mrs. Henry Richards

2938 Sanders

Address

January 28, 1961
Date

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I believe that the economic life of Butte depends upon mining and that the mining industry must be encouraged to expand; accordingly, I favor Senate Bill 112 which has been introduced in the Legislature.

Mrs Rose Osier

Jan. 28, 1961.

511 S. Washington
Butte Mont.
Address

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Lorina M. Jaeger

Mike M. Jaeger

1540 A St

Butte - Mont

Address

1/31/41
Date

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Bell Ode

Date:

Jan. 31. 1961.

1523. B. st
Walkerville Mont
Address

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Norothy A. Walker

Date:

January 29, 1961

512 Transit
Walkerville, Mont
Address

Ronald Navarro
Mary E. Navarro

Address

1430

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Albert Berant

Dorothy Berant

2625 Nettie

2625 Nettie

Address

January 28, 1961
Date

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Pearl Bersante

216 Rm. Leonard Hotel
Address

January 28, 1961

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We believe that the economic life of Butte depends upon mining and that the mining industry must be encouraged to expand; accordingly, we favor Senate Bill 112 which has been introduced in the Legislature.

George Winick

Phoebe Winick

3431 Sanders St

Address

January 28, 1961

We formerly owned property in the vicinity of the Alice Pit in the Town of North Walkerville, Montana, which was sold to The Anaconda Company. During the negotiations for the sale of such property we were treated fairly and courteously at all times and the settlement we received for our ^{lot} ~~share~~ from the Company was in all respects fair and reasonable.

James Eld.

Lucy Eld

1031 Antimony

Address

January 29, 1961

Date

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Jan. 28th 1961

Alice V. Knudsen

2001 - Miss Ave
Butte, Montana
Address

February 3, 1961

The Senate Committee on Commerce and Labor met Friday morning, February 3, 1961, at 9:00 a.m., in Room 408, with Senator Siderius, chairman, presiding. A quorum was present.

It was moved by Senator LaCombe and seconded by Senator Ullom that Senate Bill 112 do pass. Motion carried.

It was moved by Senator Reardon and seconded by Senator Newman that a subcommittee be appointed to work on all the bills dealing with workmen's compensation. Motion carried.

The chairman appointed Senators LaCombe, O'Neill and Ullom to the subcommittee.

Senator McKeon appeared as author and proponent of Senate Bill 181, but stated in his testimony that some amendments were necessary.

It was moved by Senator LaCombe and seconded by Senator Ullom that a subcommittee be appointed to make the amendments to Senate Bill 181. Motion carried.

Senators LaCombe, Newman and Ullom were appointed to work with Senator McKeon on that committee.

Consideration of Senate Bill 162 will be postponed until labor has had a chance to be heard on it.

Senator Newman announced that a final report from the subcommittee on House Bill 27 will probably be forthcoming at the next meeting. The chairman announced that HB 235, also dealing with unemployment compensation, will be referred to that same subcommittee.

Senator Newman thanked Senator Reardon, on behalf of the committee, for his hospitality in Butte yesterday.

The meeting adjourned at 9:25 a.m.


George Siderius, Chairman

February 3, 1961

MR. PRESIDENT:

We, your Committee on **COMMERCE AND LABOR**

having had under consideration **SENATE** Bill No. **112**

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO AND PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN THE SURFACE OF PROPERTY TO THE EXTENT NECESSARY TO MINE AND EXTRACT ORES, METALS OR MINERALS BY THE OWNER THEREOF WHEN THE SAME ARE LOCATED BENEATH OR UPON THE SURFACE, THE TITLE TO WHICH IS VESTED IN OTHERS, AND TO AMEND SECTIONS 93-9902 AND 93-9903 OF THE REVISED CODES OF MONTANA, 1947, AS AMENDED BY THE LAWS OF MONTANA OF 1953 AND 1955, RELATING TO THE RIGHT OF EMINENT DOMAIN, AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HERewith."

Respectfully report as follows: That **SENATE** Bill No. **112**

Do Pass

BUSINESS AND INDUSTRY COMMITTEE MEETING

February 21, 1961

The Committee on Business and Industry met on adjournment Tues. at 3:30 p.m. in Room 418. The meeting was called to order by the Chairman, Mr. Loman. The roll call was taken with all 15 members being present.

Mr. Jerry Richards, representing Joint Plumbing Industry Board, spoke as a Proponent for Senate Substitute for Senate Bill No. 159. Also appearing in support of this bill was Clayton Brink, Sanitary Engineer for Board of Health and Secretary of State Board of Plumbing Examiners. Also appearing in support of this bill were: Robert Hendgren, member of Board of Plumbing Examiners, Mr. Gilligan, Secretary of Journeyman Plumbers, Mr. Tynes, Plumbing Contractor, Mr. Lemke, Plumbing Contractor and Mr. Dutch Snyder.

Senate Bill No. 112 and No. 181 were then discussed. Mr. James Shea, Mayor of Walkerville, appeared in support of No. 181. Mr. W. M. Kirkpatrick, ACM Co., appeared in support of No. 112. Mr. W. G. Maloney, representing the Mining Association of Montana, spoke and suggested several amendments to Senate Bill No. 181. Representatives Lombardi and Stimatz, of Silver Bow, appeared and spoke in support of Senate Bill No. 181. It was then moved by Mr. Beam and seconded by Mr. Blewett that the witnesses be excused. Motion carried.

It was moved by Sullivan (Deer Lodge) and seconded by Johnson that Senate Bill No. 181 be referred to a sub-committee for amending. Motion carried. Blewett, Beam, Sullivan (Silver Bow) and Bashor were appointed to this sub-committee.

It was moved by Beam and seconded by Swanz that Senate Bill No. 112 BE CONCURRED IN. Motion carried.

It was moved by Beam and seconded by Swanz that when the sub-committee did meet and make some amendments to Senate Bill No. 181, that Senate Bill No. 181, as amended, BE CONCURRED IN. Motion carried.

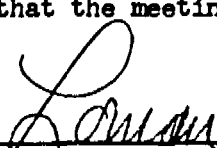
Jenkins then gave his sub-committee report on Senate Bill No. 170. It was then moved by Blewett and seconded by Sullivan (Deer Lodge) that Senate Bill No. 170 BE CONCURRED IN. Motion carried. Motion carried.

It was moved by Dykstra and seconded by Beam for adoption of Amendments to SB 159. It was moved by Beam and seconded by Sullivan (Silver Bow) that Senate Bill No. 159, as amended, Be CONCURRED IN. Motion carried.

It was moved by Bashor and seconded by Hall that Senate Bill No. 114 BE CONCURRED IN. Motion carried.

It was moved by Beam and seconded by Johnson that Senate Bill No. 97 BE NOT CONCURRED IN. Motion carried.

It was then moved by Dykstra and seconded by Johnson that the meeting be adjourned.


RAY M. LOMAN

Chairman

Tagging.

license shall be issued in any one (1) year to a nonresident. The tagging of game carcasses, as required by law, shall apply to all persons who purchased the special nonresident licenses herein provided. There shall be attached to each special nonresident antelope or deer license a permit which will authorize the holder thereof to ship or transport out of the state one (1) carcass of an animal for which such license was issued.

Shipping permit.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective until April 30, 1963.

Section 3. This act shall remain in full force and effect until April 30, 1963.

Approved March 7, 1961.

CHAPTER 215

An Act to Amend Section 75-3410, Revised Codes of Montana, 1947, Relating to Determination of Residences for Purposes of School Transportation; Containing a Repealing Clause; and Fixing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 75-3410, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Determining residence—when.

“75-3410. **Determining residence when in dispute.** The members of the board of trustees and the county superintendent of schools shall investigate and determine residence whenever a disagreement arises over eligibility to receive transportation aid. *In determining such residence for transportation purposes the board of trustees and the county superintendent of schools shall use the same criteria as must be used to determine residence for tuition purposes in accordance with the provisions of sections 75-1630, 75-4230 and 83-303; provided that, in any year when any district or county has been determined to be responsible for paying tuition for any child in accordance with the provisions of sections 75-1630, 75-4230 and section 83-303, the district or county determined as the residence of the child for tuition purposes shall be the residence of such*

Residence for tuition and transportation.

child for transportation purposes. Provided, that, anyone feeling dissatisfied with the decision of the trustees and county superintendent of schools shall have the right to appeal to the state superintendent of public instruction.”

Appeal.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after the date of its passage and approval.

Effective immediately.

Approved March 7, 1961.

CHAPTER 216

An Act Relating to and Providing for the Acquisition by Eminent Domain of Interests in the Surface of Property to the Extent Necessary to Mine and Extract Ores, Metals or Minerals by the Owner Thereof When the Same Are Located Beneath or Upon the Surface, the Title to Which is Vested in Others, and to Amend Sections 93-9902 and 93-9903 of the Revised Codes of Montana, 1947, as Amended by the Laws of Montana of 1953 and 1955, Relating to the Right of Eminent Domain, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 93-9902 of the Revised Codes of Montana, 1947, as amended by the laws of Montana of 1953, and the laws of Montana of 1955, be and the same is hereby amended to read as follows:

Amending clause.

“93-9902. **What are public uses.** Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public uses:

Public uses declared—eminent domain.

“1. All public uses authorized by the government of the United States.

“2. Public buildings and grounds for the use of the state, and all other public uses authorized by the legislative assembly of the state.

“3. Public buildings and grounds for the use of any county, city, or town, or school districts; canals, aque-

ducts, flumes, ditches, or pipes conducting water, heat, or gas for the use of the inhabitants of any county, city, or town; raising the banks of streams, removing obstructions therefrom, and widening, deepening, or straightening their channels; roads, streets, and alleys, and all other public uses for the benefit of any county, city, or town, or the inhabitants thereof, which may be authorized by the legislative assembly; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes or ordinances by which the same may be authorized.

"4. Wharves, docks, piers, chutes, booms, ferries, bridges, of all kinds, private roads, plank and turnpike roads, railroads, canals, ditches, flumes, aqueducts, and pipes for public transportation, supplying mines, mills, and smelters for the reduction of ores and farming neighborhoods with water, and drainage and reclaiming lands, and for floating logs and lumber on streams not navigable, and sites for reservoirs, necessary for collecting and storing water.

"5. Roads, tunnels, ditches, flumes, pipes, and dumping places for working mines, mills, or smelters for the reduction of ores; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines, mills and smelters for the reduction of ores, also an occupancy in common by the owners or the possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines, mills, or smelters for reduction of ores, and sites for reservoirs necessary for collecting and storing water.

"6. Private roads leading from highways to residences or farms.

"7. Telephone or electric light lines.

"8. Telegraph lines.

"9. Sewerage of any city, county, or town, or any subdivision thereof, whether incorporated or unincorporated, or of any settlement consisting of not less than ten (10) families, or of any public buildings belonging to the state, or to any college or university.

"10. Tramway lines.

"11. Electric power lines.

"12. Logging railways.

"13. Temporary logging roads and banking grounds for the transportation of logs and timber products to public streams, lakes, mills, railroads, or highways, for such time as the court or judge may determine; provided, the grounds of state institutions be excepted.

"14. Underground reservoirs suitable for storage of natural gas.

"15. *To mine and extract ores, metals or minerals owned by the plaintiff located beneath or upon the surface of property where the title to said surface vests in others.*"

Section 2. That section 93-9903 of the Revised Codes of Montana, 1947, as amended by the laws of Montana of 1953 and the laws of Montana of 1955, be and the same is hereby amended to read as follows:

Amending clause.

"93-9903. **What estates in lands may be acquired by condemnation.** The following is a classification of the estates and rights in lands subject to be taken for the public use:

What estates in lands may be acquired by condemnation.

"1. Such estate or rights as may be necessary up to and including a fee simple, when taken for public buildings or grounds, or for permanent buildings, for reservoirs or dams and permanent flooding occasioned thereby, or for an outlet for a flow, or a place for the deposit of debris or tailings of a mine, or for the mining and extracting of ores, metals, or minerals when the same are owned by the plaintiff but located beneath or upon the surface of property where the title to said surface vests in others, or for the underground storage of natural gas by a natural gas public utility as defined in this act. When the appropriation is for the underground storage of natural gas, all of the right, title, interest and estate in the real property and in the subsand stratum, formation or reservoir so appropriated shall be determinable and for all purposes terminate upon abandonment or upon cessation for the period of one year of the use for which the same was appropriated and thereupon, the ownership of the residue of natural gas therein remaining shall likewise vest in the then owners of such reservoir space.

"2. An easement, when taken for any other use.

"3. The right of entry upon and occupation of land, and the right to take therefrom such earth, gravel, stones, trees, and timber as may be necessary for some public use."

Severability clause.

Section 3. **Constitutionality.** If any part or parts of this act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

Repealing clause.

Section 4. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1961.

CHAPTER 217

An Act to Amend Section 11-403, Revised Codes of Montana, 1947, as Amended by Chapter 238 of the Session Laws of 1959, Relating to the Extension of Boundaries of Cities; Providing the Procedure for Such Extension by Cities of the First Class; Providing That City Councils of Cities of the First Class May Not, without Petition, Consider or Act Upon Any Resolution of Annexation Within One Year After the Disapproval of a Prior Resolution Relating to the Same Territory or Any Portion Thereof; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 11-403 of the Revised Codes of Montana, 1947, as amended by chapter 238 of the session laws of 1959, be, and the same is hereby amended to read as follows:

Cities or towns
of first class—
extension of
boundaries.

"11-403. (4978) **Extension of boundaries to include contiguous platted tracts or other parcels of land.** (1) Cities or towns of the first class. Any tracts or parcels of land, which have been or may hereafter be platted into lots or blocks, streets, and alleys, and the map or plat thereof filed in the office of the county clerk and recorder of the county in which the same are situated, or any unplatted land that has been surveyed and for which

a certificate of survey has been filed, as provided in these codes, and which platted or unplatted land shall be contiguous to any incorporated city of the first class, may be embraced within the corporate limits thereof, and the boundaries of such city of the first class extended so as to include the same in the following manner: When, in the judgment of any city council of a city of the first class, expressed by a resolution duly and regularly passed and adopted, it will be to the best interest of such city and the inhabitants of any contiguous platted tracts or parcels of land, or unplatted land for which a certificate of survey has been filed, that the boundaries of such city shall be extended, so as to include the same within the corporate limits thereof, the city clerk of such city shall forthwith cause to be published in the newspaper published nearest such platted tracts or parcels of land, or unplatted land for which a certificate of survey has been filed, at least once a week for two successive weeks, a notice which shall be to the effect that such resolution has been duly and regularly passed, and that for a period of twenty days after the first publication of such notice, such city clerk will receive expressions of approval or disapproval, in writing, of the proposed extensions of the boundaries of such city of the first class, from resident freeholders of the territory proposed to be embraced therein. The clerk shall, at the next regular meeting of the city council of such city of the first class after the expiration of said twenty days, lay before the same all communications in writing by him so received for its consideration, and if, after considering the same, such council shall duly and regularly pass and adopt a resolution to that effect, the boundaries of such city of the first class shall be extended so as to embrace and include such platted tracts or parcels of land or unplatted land for which a certificate of survey has been filed, the time when the same shall go into effect to be fixed by such resolution; *provided however that land used for industrial or manufacturing purposes shall not be included in such city under the provisions of this section without the consent in writing of the owners of such land, and further provided, that such resolution shall not be adopted by such council if disapproved, in writing, by a majority of the resident freeholders, if any, of the territory proposed to be embraced and no further resolutions relating to the*

Procedure
by resolution.

Notice.

Consent of owners.